

**LOUISVILLE METRO COUNCIL MEETING
REGULAR MEETING
MAY 13, 2010
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President Owen called the **May 13, 2010** Regular Meeting of the Louisville Metro Council to order at 6:05 PM. He asked all to rise and join him in the Pledge of Allegiance to the Flag.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT@6:07pm
DAVID TANDY: PRESENT@6:28pm
CHERI BRYANT HAMILTON: PRESENT
GEORGE UNSELD: PRESENT
KEN FLEMING: PRESENT
PRESIDENT TOM OWEN: PRESENT
TINA WARD-PUGH: PRESENT
JIM KING: PRESENT
KEVIN KRAMER: PRESENT
RICK BLACKWELL: PRESENT@6:07pm
VICKI WELCH: PRESENT@6:09pm
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: PRESENT@6:09pm
GLEN STUCKEL: PRESENT
JON ACKERSON: PRESENT@6:10pm
HAL HEINER: PRESENT@6:09pm
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT@6:09pm
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: PRESENT@6:08pm
DOUG HAWKINS: PRESENT@6:09pm
BRENT ACKERSON: PRESENT@6:10pm

CLERK: There are 25 members present establishing a quorum.

PRESIDENT OWEN: Madam Clerk, please cause the record to reflect that CM Fleming has an excused absence.

CLERK: So noted.

ADDRESSES TO COUNCIL:

PRESIDENT OWEN: Madam Clerk, do we have any addresses to Council.

CLERK: Yes, sir.

Velena Lenston-Minority participation in Construction projects.

CLERK: That concludes the addresses to council, Mr. President.

PRESIDENT OWEN: Thank you.

INTRODUCTION OF PAGES:

PRESIDENT OWEN: We do have a page working for us this evening. If he'll stand.

This is a resident of the 8th Metro Council District. Nate Cortas is soon to be 13 years old and a seventh grader at Highland Middle School. What can I say about Nate? Well, his biography reads he is certainly interested in music. He plays in the Middle School concert and jazz band. He has energy for doing cross-country, being on that team. And he's been involved in school in the peer-to-peer conflict resolution team. He's an active member at St. William Roman Catholic Church where he assists with children's education programs and especially it's Peace Making Day Camp.

His community activities include -- you can't tell it now -- the shaving of his head for the St. Baldrick's Fundraiser against Cancer and attending -- and several of our Council colleagues have been at Clout meetings -- attending Clout meetings.

His interests include in addition model rail roading, reading and he's in the right place, politics. He's the oldest son of Ed and Tricia Cortas and has three young brothers. Mr. Cortas thank you for being with us. Nate, thank you very much for being with us. Colleagues, join me in a round of applause.

GUESTS:

PRESIDENT OWEN: Madam Clerk, we have guests?

COUNCIL CLERK: Yes, we do, sir. Councilwoman Green has a guest.

PRESIDENT OWEN: Councilwoman Green would you please introduce your guest.

COUNCILWOMAN GREEN: Mr. President, my guest will not be here tonight.

We were just getting ready to inform you of that before you called my name. Thank you.

PRESIDENT OWEN: Thank you.

COUNCIL MINUTES:

PRESIDENT OWEN: Next we have approval of minutes for the Council meeting of April 27, 2010. Are there any corrections or deletions to these minutes?

COUNCILMAN PEDEN: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT OWEN: We have a motion and a second for approval.

The minutes are before us.

All those in favor say aye.

ALL PRESENT: AYE

PRESIDENT OWEN: Opposed?

The ayes have it.

These minutes are approved as written.

COMMITTEE MINUTES

PRESIDENT OWEN: Next we have approval of the following committee minutes.

All are regular meetings and all occurred in 2010 unless I state otherwise.

And I think they are all going to be in 2010. It will only be reminding you of a special meeting as opposed to a regular meeting.

Regular: Appropriations, NDFs and CIFs – May 6, 2010

Regular: Budget-May 4, 2010

Special: Committee of the Whole - April 27, 2010

Regular: Committee on Committees – May 11, 2010

Regular: Contracts and Appointments-May 4, 2010

Special: Government Accountability/Oversight & Budget Joint Meeting – April 26, 2010

Regular: Health and Human Needs-May 5, 2010

Regular: Labor & Economic Development – May 6, 2010

Regular: Parks, Libraries, & Arts – May 5, 2010

Regular: Planning/Zoning, Land Design & Development - May 4, 2010

Regular: Transportation/Public Works - May 5, 2010

Special: Community Affairs-May 12, 2010

Special: Budget – May 12, 2010

Are there any corrections or deletions of the minutes we have before us. May I have a motion and second for approval?

COUNCILMAN JOHNSON: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

The minutes are before us.

All those in favor signify by saying aye.

ALL PRESENT: AYE

PRESIDENT OWEN: All those opposed?

The ayes have it.

These minutes are approved as written.

For the folks who are in the audience, are looking over our shoulder, I cannot describe to you the effort and willingness that has gone into -- most of the work of our Council occurs in the committees.

And the list in the two weeks period is just indication of that work.

COMMUNICATIONS FROM THE MAYOR:

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Madam Clerk, are there communications from the Mayor? A reading of those items please.

CLERK: Yes sir.

May 10, 2010

Mr. Tom Owen, President
Metro Council
601 West Jefferson Street

Louisville, KY 40202

Dear President Owen:

In accordance with the Louisville Zoo Foundation, Inc., Board of Trustees Ordinance, I am appointing the following to the **Louisville Zoo Foundation, Inc., Board of Trustees**.

Name		Term
Thomas Price Crockett	New Appointment	May 31, 2013
Mark Brown	New Appointment	May 31, 2013
Shelisa Gautreaux	New Appointment	May 31, 2013
Kevin Anderson	New Appointment	May 31, 2013
Darryl Metzger	New Appointment	May 31, 2013

Council approval of these appointments is not required.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch
e-copy to MCC

May 6, 2010

President Tom Owen
Louisville Metro Council

Ms. Kathy Herron, Clerk
Louisville Metro Council

Re: Call of a Special Meeting of the Louisville Metro Council

Dear President Owen and Ms. Herron:

Pursuant to KRS 67C.103 (9), 67C.105 (5) and Section 3.07 of the Rules of the Metro Council, I am hereby giving notice and calling a **SPECIAL MEETING** of the Louisville Metro Council for Thursday, May 27, 2010 at 4:00PM EST(EDT) in the Metro Council Chambers of City Hall. The purpose of the meeting is to present the Louisville Metro Government Operating and Capital Budgets for Fiscal Year 2010-2011.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

cc: Metro Council Members

PRESIDENT OWEN: Thank you, Madam Clerk.

As a result of the Mayor's notification for a special meeting of our Council to present the budget, that meeting will be held at 4:00 o'clock p.m. on Thursday, May 27th. After the Mayor's budget address which usually we never can tell but in the 40 minute range perhaps we as a Council will then recess for 15 minutes and then reconvene to proceed with our regular meeting at approximately 5:00 o'clock p.m.

INVOKING RULE 7.12

The next item of business is to invoke Rule 7.12 of our Council rules which allows for the passage of an ordinance on one vote And the suspension of Rule 7.01.

That rule incidentally is the rule that sets up the standard which is introduction of an item first reading followed by referral to committee at least two weeks later considered by the Council.

So that's the rule that we are suspending. This requires 18 votes of the Council.

So in order to declare these items as an emergency, we have to have a super majority.

May I have a motion and second to invoke Rule 7.12.

COUNCILMAN JOHNSON: So moved.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT OWEN: The item is before us.

Madam Clerk, please open the voting.

Or without objection we can invoke Rule 7.12.

Are there any objections? Hearing none,

Rule 7.12 has been invoked.

SPECIAL ORDINANCES

Madam Clerk, a reading then of Item 19.

19-O-95-05-10 AN ORDINANCE CLOSING A PORTION OF AN UNNAMED ALLEY, SOMETIMES REFERRED TO AS "FRANCK ALLEY," LOCATED NORTH OF FRANKFORT AVENUE AND APPROXIMATELY 205 FEET WEST OF THE INTERSECTION OF NORTH HITE AVENUE WITH THE CSX RAILROAD RIGHT-OF-WAY, RUNNING SOUTH APPROXIMATELY 42.6 FEET TO ITS INTERSECTION WITH FRANKFORT AVENUE, CONTAINING APPROXIMATELY 1,718.6 SQUARE FEET, AND BEING IN LOUISVILLE METRO, AND DECLARING THE ENACTMENT OF THIS ORDINANCE AS AN EMERGENCY (CASE NO. 13857).

Status:	On Council Agenda - For a Vote
Primary Sponsor:	Jon Ackerson

COUNCILWOMAN WOOLRIDGE: Motion to approve.
COUNCILMAN PEDEN: Second.

PRESIDENT OWEN: We have a motion and a second. The ordinance is before us.
Is there any discussion? Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: Yes, Mr. President. Tonight we have two ordinances on the docket for an emergency vote. Ordinance 95-05-10 is the first and seeks to close the portion of an unnamed alley north of Frankfort Avenue that runs across the CSX Railroad tracks. This ordinance is needed to assist with the efforts of Councilwoman Ward-Pugh and Councilman Ken Fleming to keep the quiet zone rail designation for the Frankfort Avenue area. It is our understanding that a final review of this project is currently under way and this closure is needed to ensure that we can meet the mandates charges prior to June 24th of 2010 so that we can prevent train whistles from blowing again in this densely populated part of Louisville Metro. With permission of the chair, I would like to ask that Councilwoman Ward-Pugh additional comments to this matter.

PRESIDENT OWEN: Councilwoman Ward-Pugh?

COUNCILWOMAN WARD-PUGH: Thank you Mr. President. And thank you Mr. Ackerson. As was defined and described very well in our Committee of the Whole by the County Attorney's Office Theresa Senninger, the only reason it's an emergency is the work has to be done by June 24th in order to keep this. And we've been waiting for word from the Federal Railroad Administration in working with CSX and our Metro Government to accomplish this. If there were time to send this through and then do the work that was necessary we would have gone that route. We didn't under no reason of our own. So I would appreciate your support for both of these this evening.

PRESIDENT OWEN: Thank you Councilwoman. Any further discussion?
Madam Clerk, this is an ordinance which requires a roll call vote. Please open the voting.

Voting Result: Ordinance 95-05-10

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: NOT VOTING
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: EXCUSED ABSENCE
PRESIDENT TOM OWEN: YES
TINA WARD-PUGH: YES
JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES

DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 24 Yes votes and two members not voting – Councilmen Tandy and Fleming (excused).

PRESIDENT OWEN: Thank you. **The ordinance passes.**

Madam Clerk, a reading of Item 20.

20- O-96-05-10 AN ORDINANCE CLOSING A PORTION OF CLAREMONT AVENUE, LOCATED NORTH OF FRANKFORT AVENUE, BEGINNING AT THE SOUTH LINE OF ARTERBURN AVENUE AND RUNNING SOUTH APPROXIMATELY 66 FEET TO ITS SOUTHERN INTERSECTION WITH FRANKFORT AVENUE, CONTAINING APPROXIMATELY 3,961 SQUARE FEET, AND BEING IN LOUISVILLE METRO, AND DECLARING THE ENACTMENT OF THIS ORDINANCE TO BE AN EMERGENCY (CASE NO. 13852).

Status:	On Council Agenda - For a Vote
Primary Sponsor:	Jon Ackerson

COUNCILWOMAN WOOLRIDGE: Motion to approve.
COUNCILMAN PEDEN: Second.

PRESIDENT OWEN: The ordinance is before us. Any further discussion, Mr. Ackerson?

COUNCILMAN JON ACKERSON: Yes, Mr. President. Like the previous ordinance, Ordinance 96-05-10, this also closes the portion of a street. In this case it closes the portion of Claremont Avenue that runs over the CSX Railroad, which is also located just north of Frankfort Avenue. This closure, like the previous one, is required as a part of the effort to keep the Frankfort Avenue quiet zone designation that Councilwoman Tina Ward-Pugh has worked towards.

PRESIDENT OWEN: Yes, Councilwoman Ward-Pugh.

COUNCILWOMAN WARD-PUGH: If I might, what I'll say is that these closings, they are actually the crossing -- the grade closings of the crossings have been on some level a tough thing to do because there are folks who are affected by this. And so, I don't want to minimize that there is some transition that has to happen.

And what we are balancing is, here, the continuous for two and a half mile constant train whistle more than 33 times a day for this two and a half mile stretch being really an unacceptable intrusion for a quiet zone that we have enjoyed for about 25 years now.

And so in cooperation with the state we have managed to get them to fund the new crossing gates and signals at the Blackburn entrance right next to it as we close the crossing on Claremont. I'm working with the folks in Reservoir Park right now to create a second emergency exit off of the Village Manor property into the Masonic Home assuming there's ever an exit out of there should that portion be blocked, as well. And I failed to mention earlier that in the closing of the Franck Alley because that's such a pivotal point for the folks on that section of North Galt and North Hite to have their services their alley pickup, we are meeting on site on Monday with Solid Waste Management in order to try and resolve the issues. Instead of causing them to go down to Hite with their trash bins, we are going to try to figure out how we can maneuver or get smaller trucks in there to keep it where it is. And I want to assure the folks out there that we will be working on those in the coming weeks. I would appreciate your support.

PRESIDENT OWEN: Thank you Councilwoman. Is there any further discussion? Hearing none, this is an ordinance requiring a roll call vote. Madam Clerk, please open the voting.

Voting Result: Ordinance 95-05-10

JUDY GREEN: YES
 BARBARA SHANKLIN: YES
 MARY WOOLRIDGE: YES
 DAVID TANDY: NOT VOTING
 CHERI BRYANT HAMILTON: YES
 GEORGE UNSELD: YES
 KEN FLEMING: EXCUSED ABSENCE
 PRESIDENT TOM OWEN: YES
 TINA WARD-PUGH: YES
 JIM KING: YES
 KEVIN KRAMER: YES
 RICK BLACKWELL: YES
 VICKI WELCH: YES
 BOB HENDERSON: YES
 MARIANNE BUTLER: YES
 KELLY DOWNARD: YES
 GLEN STUCKEL: YES
 JON ACKERSON: YES
 HAL HEINER: YES
 STUART BENSON: YES
 DAN JOHNSON: YES
 ROBIN ENGEL: YES
 JAMES PEDEN: YES
 MADONNA FLOOD: YES
 DOUG HAWKINS: YES
 BRENT ACKERSON: YES

CLERK: There are 24 Yes votes and two members not voting – CM Tandy and CM Fleming (excused).
 PRESIDENT OWEN: Thank you. **The ordinance passes.**

CONSENT CALENDAR:

PRESIDENT OWEN Our next order of business is the consent calendar. The consent calendar comprises of Items 1 through 35. Are there any deletions or additions?
 Madam Clerk, a second reading of these items.

21- O-87-04-10 AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION REFERENCED IN ORDINANCE 67, SERIES 2010, REGARDING PLANNING COMMISSION CASE NUMBER 12868. (October 27, 2010)

Status:	On Council Agenda - Consent Calendar
Committee:	Planning/Zoning, Land Design & Development
Primary Sponsor:	Jon Ackerson

22- R-107-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (BEN JOHNSON - \$31,700.00).

Status:	On Council Agenda - Consent Calendar
Committee:	Contracts and Appointments
Primary Sponsor:	Judy Green

23- R-111-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (MICHAEL LYNN WARDFORD - \$60,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Vicki Aubrey Welch

24- R-113-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED AMENDMENT TO SOLE SOURCE CONTRACT – (EXPLORER SYSTEMS, INC. - \$18,500.00 FOR A NEW NOT-TO-EXCEED AMOUNT OF \$110,320.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

25- R-108-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – GRESHAM SMITH & PARTNERS - \$100,000.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Marianne Butler

26- R-109-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – JOHN L. CARMAN AND ASSOCIATES, INC. D/B/A CARMAN - \$100,000.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Marianne Butler

27- R-110-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT ECONOMIC DEVELOPMENT DEPARTMENT – PRESNELL ASSOCIATES, INC. D/B/A QK4 - \$100,000.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Marianne Butler

28- R-112-04-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT ECONOMIC DEVELOPMENT DEPARTMENT – M2D DESIGN GROUP, PLLC - \$100,000.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Madonna Flood

29- O-84-04-10 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009 AND ORDINANCE NO. 91, SERIES 2009 RELATING TO THE FISCAL YEAR 2009-10 CAPITAL AND OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$40,000 FROM THE DISTRICT 1 CAPITAL INFRASTRUCTURE FUND TO THE DISTRICT 1 NEIGHBORHOOD DEVELOPMENT FUND.

Status: On Council Agenda - Consent Calendar
Committee: Budget
Primary Sponsor: Judy Green

30- O-85-04-10 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009 AND ORDINANCE NO. 91, SERIES 2009 RELATING TO THE FISCAL YEAR 2009-10 CAPITAL AND OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$25,000 FROM THE DISTRICT 21 CAPITAL INFRASTRUCTURE FUND TO THE DISTRICT 21 NEIGHBORHOOD DEVELOPMENT FUND.

Status: On Council Agenda - Consent Calendar
Committee: Budget
Primary Sponsor: Dan Johnson

31- R-114-04-10 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A \$11,869.00 GRANT FROM THE COMMONWEALTH OF KENTUCKY FOR A PROJECT HIV PREVENTION EDUCATION.

Status: On Council Agenda - Consent Calendar
Committee: Health & Human Needs
Primary Sponsor: Judy Green

32- R-105-04-10 A RESOLUTION SUPPORTING THE LOUISVILLE METRO DEPARTMENT OF HEALTH AND WELLNESS'S INITIATIVES TO CREATE AN EDUCATION PROGRAM TO MAKE THE PUBLIC AWARE OF THE DANGERS OF TRANS FATS CONSUMPTION, TO INSTITUTE A VOLUNTARY CAMPAIGN FOR FOOD SERVICE ESTABLISHMENTS TO REMOVE TRANS FATS FROM THEIR MENUS AND TO ESTABLISH A REWARDS PROGRAM FOR THOSE ENTITIES WHO DISCONTINUE USING AND/OR COOKING WITH TRANS FATS.

Status: On Council Agenda - Consent Calendar
Committee: Health & Human Needs
Primary Sponsor: Dan Johnson

33- R-116-04-10 A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION SUIT AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE HARRODS CREEK BRIDGE PROJECT ON RIVER ROAD (PARCEL NO. 14).

Status: On Council Agenda - Consent Calendar
Committee: Labor & Economic Development
Primary Sponsor: Kelly Downard

34- O-89-04-10 AN ORDINANCE APPROPRIATING \$15,000 FROM THE DISTRICT 7 NEIGHBORHOOD DEVELOPMENT FUND TO LOUISVILLE METRO PUBLIC WORKS FOR THE BROWNSBORO ROAD TRAFFIC SAFETY IMPROVEMENT PROJECT.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Kenneth C. Fleming

35- O-86-04-10 AN ORDINANCE APPROPRIATING \$7,000 FROM THE DISTRICT 8 NEIGHBORHOOD DEVELOPMENT FUNDS TO THE LOUISVILLE METRO POLICE DEPARTMENT (LMPD) TO FUND EXPENSES FOR BIKE AND FOOT PATROLS DURING THE SPRING/SUMMER MONTHS ON THE BARDSTOWN/BAXTER CORRIDOR AND ASSOCIATED ALLEYS IN THE 5TH DIVISION OF LMPD

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Tom Owen

COUNCILMAN DOWNARD: Motion to approve.
 COUNCILMAN PEDEN: Second.

PRESIDENT OWEN: The consent calendar has been moved and seconded and requires a roll call vote. Please open the voting, Madam Clerk.

Voting Result: Consent Calendar

JUDY GREEN: NOT VOTING
 BARBARA SHANKLIN: YES
 MARY WOOLRIDGE: YES
 DAVID TANDY: NOT VOTING
 CHERI BRYANT HAMILTON: YES
 GEORGE UNSELD: YES
 KEN FLEMING: EXCUSED ABSENCE
 PRESIDENT TOM OWEN: YES
 TINA WARD-PUGH: YES
 JIM KING: YES
 KEVIN KRAMER: YES
 RICK BLACKWELL: YES
 VICKI WELCH: YES
 BOB HENDERSON: NOT VOTING
 MARIANNE BUTLER: YES
 KELLY DOWNARD: YES
 GLEN STUCKEL: YES
 JON ACKERSON: YES
 HAL HEINER: YES
 STUART BENSON: YES
 DAN JOHNSON: YES
 ROBIN ENGEL: EXCUSED EARLY EXIT
 JAMES PEDEN: YES
 MADONNA FLOOD: YES
 DOUG HAWKINS: YES
 BRENT ACKERSON: YES

CLERK: There are 21 yes votes and five members not voting.

Councilwoman Green, Councilman Tandy, Councilman Fleming, Councilman Henderson and Councilman Engel.

PRESIDENT OWEN: **Consent calendar passes.**

OLD BUSINESS:

The next item is old business. Madam Clerk, a reading of Item No. 36.

36- R-115-04-10 A RESOLUTION HONORING THE LIFE AND LEGACY OF DOROTHY IRENE HEIGHT, NATIONAL CIVIL RIGHTS LEADER

Status:	On Council Agenda - Old Business
Committee:	Community Affairs
Primary Sponsor:	Cheri Bryant Hamilton Mary C. Woolridge Judy Green
Additional Sponsor:	Robert Henderson

PRESIDENT OWEN: Is there any -- may I have a motion and a second?

COUNCILMAN DOWNARD: Motion to approve.
COUNCILMAN PEDEN: Second.

PRESIDENT OWEN: The resolution is before us. Councilwoman Shanklin?

COUNCILWOMAN SHANKLIN: Councilwoman Hamilton will speak to this.

PRESIDENT OWEN: Okay. Councilwoman Hamilton, you're recognized.

COUNCILWOMAN HAMILTON: Thank you. This was heard in the Community Affairs Committee. I appreciate their indulgence. Colleagues, in the past few weeks we have lost giants in the civil rights struggle. Most recently Lena Horne, who many didn't know had a civil rights background. And also Ben Hooks who was the former president for a long time for the NAACP. But tonight I want to speak of another lost leader, a giant in the arena civil rights and women's rights and human rights. She truly devoted her life to the pursuit of equality. I'm speaking of Dr. Dorothy Height. And although she was often in the background, sometimes overlooked in pictures, you know how you can cut someone off a picture. She never allowed herself to be overlooked by the famous men who were on the front lines of the Civil Rights' Movement. So with that in mind I would like to ask your indulgence while I read this resolution in full so it can be spread across the pages of the minutes for posterity by the clerk.

A RESOLUTION HONORING THE LIFE AND LEGACY OF DOROTHY IRENE HEIGHT, NATIONAL CIVIL RIGHTS LEADER.

Sponsored By: Council Members Cheri Bryant Hamilton, Mary C. Woolridge, Judith Green,
and Barbara Shanklin

Whereas, Dorothy Irene Height, born March 24, 1912, in Richmond, VA to James and Fannie Burroughs Height, was a quiet, often unheralded heroine of both the Civil Rights and Women's Movements in America, working tirelessly for the constitutional, economic, social, and human rights of all

women in America and for persons of African descent, her activities spanning from anti-lynching protests in the early 1930's when she marched as a teenager in New York's Times Square shouting "Stop the lynching," to the inauguration in 2009 of President Barack Obama, who called her "the godmother of the civil rights movement and a hero to so many Americans;" and

Whereas, Dorothy Irene Height, with earned Bachelor and Master's degrees from NY University, was also awarded three dozen honorary Doctorate degrees from such institutions as Tuskegee, Harvard, and Princeton Universities, and an honorary Bachelor's degree from Barnard College in 2004, 75 years after that institution had accepted, and then denied her admission, because its racial quota had been met for that year; and received two of the nation's most prestigious civilian awards: the Presidential Medal of Freedom awarded by President Bill Clinton in 1994, and the Congressional Gold Medal, awarded by President George W. Bush in 2004; and

Whereas, Dorothy Irene Height gave unselfishly of her time and energies helping to lift people from poverty, including the following projects: in the late 1930's: as executive director of the Harlem Y.W.C.A., she brought attention to black women working as domestics for white women, making 15 cents an hour; in the mid 1960's she initiated programs in the Deep South such as "pig banks" which supplied poor rural families with a pig to help them raise their own livestock; she instituted programs called "Wednesdays in Mississippi" which brought black and white women from the North to meet their Southern counterparts in Mississippi in an effort to ease racial tensions and bridge differences; she served the National Council of Negro Women (NCNW) as President for four decades, remaining its president *emerite* until her death, throughout which time she fought for women's rights to equal pay and education, and was honored on her 90th birthday with payoff of the mortgage on the NCNW headquarters on Pennsylvania Ave one block from the White House; and as the *grande dame* of the Delta Sigma Theta, an international sorority of black women, she served as its President from 1947 until 1956; and

Whereas, Dorothy Irene Height sat with and strategized with the giants of the civil rights movement of the 1950's and 1960's, namely: the Rev Dr. Martin Luther King, Jr., James Farmer, John Lewis, A. Phillip Randolph, Roy Wilkins and Whitney M. Young, Jr., she was most often portrayed as inaudible and invisible by the media, but being the good-spirited humanitarian that she was, she kept working undeterred, good-naturedly stating that "this was her life's work, not a job," and that "the task at hand was far less about personal limelight than it was about collective struggle;" and

Whereas, Dorothy Irene Height, who never married and had no offspring, departed this life on April 20, 2010, and will be missed for her unmitigated dedication, wry wit, elegant grace, and colorful hats, she leaves a host of people, including presidents, heads of nations, dignitaries at home and abroad, as well as countless friends, colleagues, and admirers to remember her legacy; and

Whereas, Dorothy Irene Height's influence extended to and inspired untold numbers of people in the Louisville/Jefferson County community to be and do their best, striving always for justice, she is unequivocally entitled to be memorialized by the governing body of this community; therefore

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: That Dorothy Irene Height is hereby recognized by the Council as an exemplification of an outstanding leader among citizens of the world, and shall serve as a model for the Council as it endeavors to protect the civil rights and economic opportunities of its citizenry for the betterment of this community.

SECTION II. This Resolution shall take effect upon its passage and approval.

PRESIDENT OWEN: Thank you Councilwoman. All right. Councilman Tandy you want to be recognized.

COUNCILMAN TANDY: Thank you, Mr. President.

With the indulgences of the primary sponsors of this ordinance, I would like to be added as a sponsor of it, as well. Dr. Height is a giant not only in our household because my wife being a member of Delta Sigma Theta Sorority Incorporated but in my eyes, as well, as a member of the brother organization to Delta Sigma Theta Sorority Incorporated, Omega Psi Phi Incorporated. She is a giant to all of us.

And it's upon her shoulders and the shoulders of many others who have gone before her that I stand and many others in this room stand to have this opportunity to serve in the capacities that we serve and to be

able to raise the consciousness of a community and indeed a nation and a world.
So I wanted to be added to recognize the -- and give my appreciation for her life and her work that she has provided to this country.

PRESIDENT OWEN: Any further discussion? Thank you, Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: I just want to make sure my name is added on.

It's not on there but it is on the original so I just want to make sure it's on there.

PRESIDENT OWEN: Without objection -- and if there is objection I certainly recognize it, all persons -- all Council people present can be added as sponsors.

Is that something that anyone is uncomfortable with?

If so, I would be glad to recognize you.

Then without objection all members present will be added as sponsors to this resolution.

Any further discussion?

Hearing none, it's a resolution that calls for a voice vote.

All in favor say aye.

ALL PRESENT: AYE

PRESIDENT OWEN: Opposed?

The ayes have it.

The resolution passes.

Madam Clerk, a reading of Item 37.

37- O-176-10-09 AN ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 153 OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (LMCO) RELATING TO THE TIME AND LOCATION OF PLANNING COMMISSION (AND BOARD OF ZONING ADJUSTMENT) HEARINGS. AS AMENDED (Re-Introduced March 11, 2010) (September 11, 2010)

Status:	On Council Agenda - Old Business
Committee:	Planning/Zoning, Land Design & Development
Primary Sponsor:	James Peden

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN PEDEN: Second.

PRESIDENT OWEN: The committee amended ordinance is before us.

Is there any discussion?

Councilman Jon Ackerson, you've got a busy night tonight.

COUNCILMAN JON ACKERSON: Yes, Mr. President, members of the Council.

This is an ordinance that came to the planning and zoning committee.

Its intent and purpose is to protect the public's interest by having these meetings at convenient locations but in appropriate forums where the record can be documented as to the issues discussed.

This ordinance was sponsored by Councilman Peden.

I would yield to him for additional comments.

PRESIDENT OWEN: Councilman Peden.

COUNCILMAN PEDEN: I think Councilman Jon Ackerson worded it just right.

It was basically just again we are all aware if you get a certain number of signatures, a planning and zoning hearing can be moved to an evening. A second amount of signatures you can get it moved to an evening somewhere close to the site so it's convenient to your neighborhood.

There were some issues on which planning and zoning groups, whether it's a subcommittee or the full commission to which that law only applied to one or the other. And so I sought to clarify all of that.

We had a number of planning and zoning committee meetings for us and then the final step in the process was to gather all of the interested parties, whether it be the Home Builders Association, some attorneys and citizens, et cetera.

We had a meeting with Theresa Senninger and basically came up with -- I won't -- I'll call it a consensus meeting where we all got to air our concerns and this is the final product.

I believe it was unanimous in committee once amended and the committee amendments are on the computer. So at this point it I would appreciate your support on this.

PRESIDENT OWEN: Thank you, Councilman Peden.

Any other discussion. Yes, Councilwoman Hamilton?

COUNCILWOMAN HAMILTON: I want to ask a question.

Are you saying the only way the meeting time and location can be changed is by petition?

Or --

COUNCILMAN PEDEN: I do not know if that --

PRESIDENT OWEN: Go ahead, you're recognized.

COUNCILMAN PEDEN: I don't know if that's the only way.

I know that what was laid out in our current set of ordinances was not totally clear and up to a lot of subjectiveness and interpretation so it clarifies that particular section if there's another legal avenue perhaps the commission can unilaterally do it on their own.

That may be.

I don't know the answer to that.

COUNCILWOMAN HAMILTON: Do you know, Mr. Chairman.

PRESIDENT OWEN: I do not know. I'm sorry. I don't know.

Mr. O'Brien, would you like to . . . You represent the County Attorney's Office.

WILLIAM O'BRIEN: We will study the issue and inform you tomorrow.

I really do not know whether or not -- I believe the Board can when there is a neighborhood issue move the meeting there unilaterally but I don't want to say that unless I've got the rules in front of me to confirm that.

COUNCILMAN PEDEN: I can comment on something he just reminded me of and that is the Planning Commission can regularly schedule meetings in the evening and they do actually do that is it quarterly? I think they automatically -- because they have enough night meetings where the signatures are gathered they have started every six months or maybe even quarterly I'm not sure on the dates but they have a regular night meeting.

Now going back to your original question moving it to a site more suitable to the neighborhood, I'm not sure what their authority is to do that.

But they definitely already have regularly scheduled night meetings.

PRESIDENT OWEN: Any other discussion?

Anybody else with discussion?

Hearing none, the amended ordinance, amended in committee, requires a roll call vote, Madam Clerk, please open the voting.

Voting result: Item 37

JUDY GREEN: YES
 BARBARA SHANKLIN: YES
 MARY WOOLRIDGE: YES
 DAVID TANDY: YES
 CHERI BRYANT HAMILTON: YES
 GEORGE UNSELD: YES
 KEN FLEMING: EXCUSED ABSENCE
 PRESIDENT TOM OWEN: YES
 TINA WARD-PUGH: YES
 JIM KING: YES
 KEVIN KRAMER: YES
 RICK BLACKWELL: YES
 VICKI WELCH: YES
 BOB HENDERSON: YES
 MARIANNE BUTLER: YES
 KELLY DOWNARD: YES
 GLEN STUCKEL: YES
 JON ACKERSON: YES
 HAL HEINER: YES
 STUART BENSON: YES
 DAN JOHNSON: YES
 ROBIN ENGEL: EXCUSED ABSENCE
 JAMES PEDEN: YES
 MADONNA FLOOD: YES
 DOUG HAWKINS: YES
 BRENT ACKERSON: YES

CLERK: There are 24 yes and two members not voting, Councilman Fleming and Councilman Engel.

PRESIDENT OWEN: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 38.

38- O-88-04-10 AN ORDINANCE APPROPRIATING A TOTAL OF \$22,581 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: (\$17,081) \$13,801 FROM DISTRICT 22; \$3,000 FROM DISTRICT 13; \$1,000 EACH FROM DISTRICTS 8, 9, 12, 16, 21 AND 20; \$500 FROM DISTRICT 25, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE YMCA OF GREATER LOUISVILLE TO ASSIST IN FINANCING THE COSTS OF PUTTING ON THE 2ND "SECOND SUNDAY," A STATEWIDE HEALTH INITIATIVE, ON SUNDAY, OCTOBER 10, 2010, IN METRO LOUISVILLE. (AS AMENDED)

Status:	On Council Agenda - Old Business
Committee:	Appropriations, NDFs and CIFs
Primary Sponsor:	Robin Engel Tom Owen Tina Ward-Pugh Rick Blackwell Kelly Downard Stuart Benson
Additional Sponsor:	Dan Johnson Vicki Aubrey Welch

PRESIDENT OWEN: Thank you, Madam Clerk.

Motion and second. The committee amended ordinance is before us. Is there any discussion?

Yes, Mr. Blackwell.

COUNCILMAN BLACKWELL: This is just on old business today because it was amended in committee. And if you recall last year, many of you were sponsors last year of this event.

And Councilman Engel, of course, is the one who coordinated last year's event and is very much the one who is coordinating this year's event, as well.

He has put up a considerable amount of his NDF funds to make sure that they have the money to move forward on this. And so he has asked if anyone would be willing to -- or still wants to be a part of it.

They could certainly add tonight, as well. And that would lower his total amount that had to come out of his account. He's not making that appeal. I'm making that appeal for him because he has put a considerable amount of NDF money as well as a considerable amount of time into it as well.

So that's why it's on old business tonight. And that's that.

PRESIDENT OWEN: Thank you, Councilman Blackwell I already see Council Members who want to be recognized. Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you. I would like to offer an amendment and offer \$ 2,000 from District 15 to offset Councilman Engel's donation. This year it is going to be in District 15 at Iroquois Park.

COUNCILWOMAN GREEN: Second. Thank you, Mr. President. District 1 would like to offer a thousand.

COUNCILMAN STUCKEL: \$500 from District 17.

COUNCILWOMAN HAMILTON: \$ 500 from District 5, please.

COUNCILMAN JON ACKERSON: \$1,000 from District 18.

PRESIDENT OWEN: Anyone else? Any further discussion on this item? Yes, Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: \$500 from District 2, please.

COUNCILWOMAN FLOOD: \$ 500 from District 24, please.

PRESIDENT OWEN: Anyone else?

If not, if there is no further discussion, this amendment requires a voice vote.

All those in favor signify by saying aye.

ALL PRESENT: AYE

PRESIDENT OWEN: Opposed?

There are none.

The ayes have it. **The floor amendment passes.**

Any further discussion? Yes Mr. Blackwell.

COUNCILMAN BLACKWELL: Just checking with the Clerk to make sure the number -- is the number now \$6,000 additional -- the amendment was --\$ 6,000?

COUNCIL CLERK: Yes, sir, \$6,000. So that reduces Councilman Engel's to \$7,801.

PRESIDENT OWEN: Any further discussion?

Hearing none, the amended ordinance requires a roll call vote.

Madam Clerk, please open the voting.

Voting result: Item 38

JUDY GREEN: YES
 BARBARA SHANKLIN: YES
 MARY WOOLRIDGE: YES
 DAVID TANDY: YES
 CHERI BRYANT HAMILTON: YES
 GEORGE UNSELD: YES
 KEN FLEMING: EXCUSED ABSENCE
 PRESIDENT TOM OWEN: YES
 TINA WARD-PUGH: YES
 JIM KING: YES
 KEVIN KRAMER: YES
 RICK BLACKWELL: YES
 VICKI WELCH: YES
 BOB HENDERSON: YES
 MARIANNE BUTLER: YES
 KELLY DOWNARD: YES
 GLEN STUCKEL: YES
 JON ACKERSON: YES
 HAL HEINER: YES
 STUART BENSON: YES
 DAN JOHNSON: YES
 ROBIN ENGEL: EXCUSED ABSENCE
 JAMES PEDEN: YES
 MADONNA FLOOD: YES
 DOUG HAWKINS: YES
 BRENT ACKERSON: YES

CLERK: There are 24 yes and two members not voting, Councilmen Fleming and Engel.

PRESIDENT OWEN: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 39.

39- O-91-04-10 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009, ORDINANCE NO. 111, SERIES 2008 AND ORDINANCE NO. 91, SERIES 2009, RELATING TO THE CAPITAL BUDGET FOR FISCAL YEAR 2009-10, THE CAPITAL BUDGET FOR FISCAL YEAR 2008-2009, AND THE OPERATING BUDGET FOR FISCAL YEAR 2009-2010 FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT TO TRANSFER \$14,600 OF FEDERAL FUNDS RELATING TO THE SENIOR MEDICARE PATROL PROGRAM FROM HOUSING & FAMILY SERVICES TO PUBLIC HEALTH & WELLNESS, TO TRANSFER \$600,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS BETWEEN CAPITAL PROJECTS, AND TO TRANSFER \$360,000 OF CAPITAL CUMULATIVE RESERVE FUND TO THE GENERAL FUND AS AN OPERATING MATCH IN ECONOMIC DEVELOPMENT RELATED TO THE WORKFORCE DEVELOPMENT GRANT AUTHORIZED UNDER RESOLUTION NO. 69, SERIES 2010.

Status:	On Council Agenda - Old Business
Committee:	Budget
Primary Sponsor:	Judy Green

PRESIDENT OWEN: Motion and a second?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN DOWNARD: Second.

PRESIDENT OWEN: Properly moved and seconded.

The ordinance is before us. Any discussion?

Councilman King, are you going to be handling this item from the budget committee.

COUNCILMAN KING: This is something that came out of our committee.

And it was some transfers of some funds.

But there was some question in the committee with respect to the Community Development Block Grant funds and the transfer of those between capital projects and Councilwoman Woolridge did raise some concerns during committee with respect to that. She may have a comment or two on that, I don't know.

PRESIDENT OWEN: Councilwoman Woolridge, would you like to comment?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

Thank you, Councilman King. I have looked it at the streets -- we requested in that committee a list of the roads that were going to be paved. I think I have been satisfied after getting the list that a number of payments will take place in the district I represent, District 3. The however there's one question I need to ask. And I think our analyst might have told us. But there's a rating on these streets.

And seemingly I think the lower the number, perhaps the worse the street is.

And more than likely will be some of the streets paved.

So I am pleased to lend my support to this ordinance since we do have a number of pavings that's going to take place in our district. Thank you, Mr. President.

PRESIDENT OWEN: Thank you Councilwoman.

Any further discussion on this item?

Hearing none, the ordinance requires a roll call vote.

Madam Clerk, please open the voting.

Voting result: Item 39

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: EXCUSED ABSENCE

PRESIDENT TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: EXCUSED ABSENCE

JAMES PEDEN: YES
 MADONNA FLOOD: YES
 DOUG HAWKINS: YES
 BRENT ACKERSON: YES

CLERK: There are 24 yes and two members not voting, Councilmen Fleming and Engel.

PRESIDENT OWEN: **The ordinance passes.** Madam Clerk a reading of Item 40.

40- O-83-04-10 AN ORDINANCE AUTHORIZING FUND-TO-FUND TRANSFERS RELATED TO ORDINANCE NO. 90, SERIES 2009 AND ORDINANCE NO. 194, SERIES 2009 AND RELATED TO THE ACCURATE REFLECTION OF FUNDS RECEIVED BY METRO LOUISVILLE FOR THE USE OF ITS PROPERTY.(AS AMENDED)

Status:	On Council Agenda - Old Business
Committee:	Budget
Primary Sponsor:	Jim King

PRESIDENT OWEN: May I have a motion and a second?

COUNCILMAN PEDEN: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT OWEN: The item is -- the committee amended ordinances is before us.

Is there any discussion? Councilman King.

COUNCILMAN KING: Yes, again this was really some housekeeping we did with the administration to transfer some funds within the budget to allow them to accurately reflect those funds that were received for the use of its property. And it's more of a housekeeping nature And it was amended in committee but only technical amendment.

PRESIDENT OWEN: I see. Any further discussion on this item, on Item 40? Councilman Peden.

COUNCILMAN PEDEN: I would just -- are we talking -- I guess I'm looking for an example of funds received by Metro for use of this property are we talking like for use of a gazebo in a park or renting out a neighborhood building?

COUNCILMAN KING: I think at the administration -- the administration testified that it was -- well you know what? I don't know for sure what they testified to. I was going to say they testified it was rental income but I'm not sure specifically what the use of the money was for the use of the property. I shouldn't answer that question unless I have the facts on that. I would have to go back to the budget committee meeting and look at it.

PRESIDENT OWEN: Any further discussion on the item?

COUNCILMAN PEDEN: Was it mentioned in -- I'll just go back and watch the video if that's the case otherwise I'll make a phone call.

COUNCILMAN KING: We talked about it specifically. I just don't have my notes from that meeting.

PRESIDENT OWEN: Mr. O'Brien.

WILLIAM O'BRIEN: If I may, that was the Humana funds that were being transferred.

PRESIDENT OWEN: Are you on the mic? Have you pushed the button?

WILLIAM O'BRIEN: I don't think there's a button here.

PRESIDENT OWEN: I can hear you now.

WILLIAM O'BRIEN: This particular instance these were funds that were received in reference to the rental on Humana. And they were accidentally placed into health care funds and so it's being backed out to the proper fund.

COUNCILMAN PEDEN: This is a specific instance we are fixing as opposed to it a general accounting thing.

COUNCILMAN KING: Yes this has nothing to do with any of the accounting entries issues and any of the other things we were doing this was just a specific transfer of rental property I just couldn't remember it was Humana.

PRESIDENT OWEN: Any other discussion on Item 40?

Hearing none, the ordinance requires a roll call vote.

Madam Clerk, please open the voting.

Voting result: Item 40

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: EXCUSED ABSENCE

PRESIDENT TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: EXCUSED ABSENCE

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

BRENT ACKERSON: YES

COUNCILWOMAN WOOLRIDGE: Objection.

PRESIDENT OWEN: I'm trying to be patient and wait for you.

COUNCILWOMAN WOOLRIDGE: I think I need some help to get back to my voting.

Okay. Could you just register me as a yes vote?

PRESIDENT OWEN: Councilwoman Woolridge as a yes vote.

CLERK: There are 24 yes and two members not voting, Councilmen Fleming and Engel.

PRESIDENT OWEN: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 41.

41- O-81-04-10 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING AND RATIFYING ACTIONS IN THE STRUCTURING, STAFFING, PLANNING AND PREPARATION OF ALL DOCUMENTATION FOR THE ISSUANCE OF CERTAIN GENERAL OBLIGATION BONDS OR GENERAL OBLIGATION NOTES OF THE METRO GOVERNMENT; AUTHORIZING THE ISSUANCE OF SUCH BONDS OR NOTES TO FINANCE THE OBLIGATIONS OF METRO GOVERNMENT IN CONNECTION WITH SETTLEMENT OF LITIGATION RELATED TO THE LOUISVILLE FIRE DEPARTMENT EMPLOYEES CLAIMS FOR OVERTIME WAGES IN A MAXIMUM AMOUNT OF THIRTY FIVE MILLION DOLLARS AS FURTHER SET FORTH HEREIN; SETTING FORTH THE TERMS AND CONDITIONS ON WHICH THE BONDS OR NOTES ARE TO BE ISSUED AND SOLD; DEFINING AND PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS OR NOTES AND PROVIDING FOR THE APPLICATION OF THE PROCEEDS THEREOF; AND TAKING OTHER RELATED ACTION. (AS AMENDED).

Status:	On Council Agenda - Old Business
Committee:	Budget
Primary Sponsor:	Jim King

PRESIDENT OWEN: A motion and second for the item before us.

COUNCILWOMAN HAMILTON: So moved.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT OWEN: The committee amended ordinance is before us.

Councilman King, any discussion?

COUNCILMAN KING: Yes, I think any discussion, that's an understatement.

We'll probably be talking about this for a few minutes anyway.

In fact I'll have to have the floor for just a minute to try to frame the issue so that we can discuss it. So the viewing public can understand what we're talking about.

I'm going to try to go into a little bit of detail here, Mr. President.

First, I want to say that my budget committee has worked really tirelessly on this.

And every member of the committee contributed significantly and it was -- we had an excellent debate in fact I guess it was yesterday when we wrapped this up.

And I want to start off by saying that whatever happens tonight, I feel comfortable that the full Council will do its best to come to the right answer.

And I don't know that there is any right or wrong answer on this. And I think that's also important.

I know this is a non-partisan issue, at least that's the way it's been handled in our committee.

It's more about probably personal philosophy and some economic philosophy on my part that I have. And others might have.

So with that said, we are dealing tonight with the source of the funds that we are going to obtain to make the final payments on the firefighters settlement which was the -- which resulted from the litigation having to do with the payment of overtime.

And as many of us know, all of us should know, that that has gone on for an extended period of time, probably much too long. And it resulted in a \$45 million settlement for the firefighters in favor of the firefighters.

Of -- plus about an additional \$5 million of employer related costs that the city will have to pay in connection with the \$45 million in additional pay that the firefighters will receive.

Now, in December the city made the first payment of the \$45 million settlement dropping the required amount that was left to \$30 million.

That \$15 million was paid from existing reserves that the city had set aside in anticipation of the firefighter's settlement.

In March of this year, the city paid another \$15 million payment.

And that payment did not come from technically from reserves.

It came out of cash flow of the city that frankly needs to be -- may need to be replenished. And that's part of the debate we're going to have tonight. So if you start with the \$50 million total and you take off the \$15 million payment that we made in December, the \$35 million is what we are talking about funding tonight of which \$15 million has already been paid by the city of its cash flow and the remaining \$20 million has not been paid.

Of the remaining \$20 million, 15 goes to the firefighters on July 15th and the \$5 million in employer related costs are also paid at about the same time. Hopefully that's clear.

Now, the administration proposed that we borrow the entire \$35 million on the -- and do that by issuing bonds.

Others have suggested that we take all or some of this amount from our Rainy Day Fund.

As you all know the Rainy Day Fund is the undesignated fund balance in our balance sheet. And currently the undesignated portion of our Rainy Day Fund is about \$65 million.

That \$65 million comprises roughly 13% of our annual general fund budget.

And that 13% falls within a range of strong in terms of underwriting and evaluation by others.

In fact the Government Finance Officers Association, GFOA, says in their best practices that a range of 18 to 15% is considered strong. Now, the -- because there was some difference of opinion --

PRESIDENT OWEN: Councilman, let me interrupt just a second did you say 18 to 15 --

COUNCILMAN KING: Excuse me. 8 to 15%. Thank you for correcting that.

And that's 8 to 15% of your general fund -- annual general fund operating budget.

Because there were differences of opinion about how this should be done, the committee asked the administration to come back to us with various alternatives. And they came back with I think 10 or 11 scenarios as they called them for the payment of this money.

And those scenarios included things like taking all \$35 million and bonding it over a ten-year period with level debt service.

Taking -- making a \$35 million bond issue on ten years, also, with a deferred principle option that would defer the principle for several years to allow us to have lower debt service in the early years in anticipation of us working our way out of this recession.

That was scenario -- frankly Scenarios 1 and 2.

Scenario 3 I believe called for a \$25 million bond issue.

And ten years -- ten-year level debt service. But we could also do deferred principle on that. And then Scenario 4 called for \$17 million of bonds to be issued with \$18 million to come out of the Rainy Day Fund.

In other words, if whatever amount less than \$35 million that we agreed would be issued in bonds, the difference would be charged to our Rainy Day Fund at least in theory.

That's what we are thinking here.

For the information -- and by the way, there were seven or eight or ten scenarios. But that was the first four we looked at, the ones we really studied on because those were the ten year bond options.

Currently the city earns about 1.67% on its return on its investments that are held in the Rainy Day Fund

in its long term portion. In the short term portion it earns about 89 basis points which is not a real good return. But we are at historically low interest rates in our city's history right now. Our long term return on our Rainy Day Fund has been about 3%. And for me this whole process is about minimizing risk for the city. And given the historically low cost of capital, I have come down on the side that probably Scenario 2 -- and this is what I recommended to the committee -- Scenario 2 made the most sense for us because it was a \$35 million bond issue.

We were borrowing it at essentially the rate of return that we had typically earned on our money.

So our cost of capital was going to be relatively small.

And at the same time it would optimize our -- and maximize our liquidity and flexibility because we would be taking nothing from our Rainy Day Fund and it would also have no deleterious effect on our bond rating. And that bond rating has become somewhat of a bone of contention. We have had quite a bit of discussion about whether or not -- our bond rating would be impacted no matter what we take out of the Rainy Day Fund. And then the discussion got into whether or not if we took out \$25 million in bonds and \$10 million from the Rainy Day Fund, should we go through a replenishment process. Should we have a resolution to agree we would put back a million or \$2 million a year to replenish the Rainy Day Fund. And again that was all in reaction to discussions we had about what the underwriters would look for and the bond rating agencies would look for. As I said, in committee I recommended Scenario, 2 which was \$35 million in bonds a ten year amortization and three years in deferred principle.

Councilman Heiner thought Scenario 3 had merits. And Councilman Downard -- I'm sure he'll want to address this and I invite them to do that. of course. And Councilman Downard in committee offered an amendment to limit the bond issue to \$25 million which is essentially Scenario 3.

And in committee that passed on a split vote.

There was -- I think there were nine members present and we had six in favor and three opposed to that scenario. But -- and frankly it passed. And that's the amended version that you have before you tonight.

So this -- what you have before you tonight is the bond ordinance that is now limited to \$25 million versus the \$35 million that the administration had asked for. And frankly I would expect one of our members to probably offer another amendment tonight to return the bond issue amount back to \$35 million.

And I think that that probably will be our debate tonight over the philosophy of taking money out of the Rainy Day Fund versus the economics of borrowing money at a historically low rate. I've said this before. I've said this in committee. If it were my money, I would come down on the side of keeping my Rainy Day Fund intact and using that for true emergencies. I realize this is epic proportions we are talking about here. This is like building a new library or something. I mean, it's a lot of money.

I wish we were using the money to build a new library. So I know it's epic proportions but we have had a structured process that we have gone through to get to this point. And it's not something that we have had a flood or ice storm or that type of thing where we are busting our Public Works budget and we have to make overnight decisions to pay for it.

So that's why I've come down on the side of -- of what I think is the most prudent approach. That's take advantage of the low cost of capital, keep our Rainy Day Fund intact and keep our bond rating intact and deal with true emergencies when they come up somewhere down the road.

Again, others will have a different opinion. I would invite you to listen to all of those. We did a good job of doing that in committee. But tonight we will hear more opinions. I'm sure I've left something out. But I will be glad to answer questions or deal with this as we get into our discussion.

Thank you.

PRESIDENT OWEN: Councilman Brent Ackerson has asked for the floor. And colleagues, if you will ask to speak, I'll try my best to recognize you on the request to speak log on my screen here.

COUNCILMAN BRENT ACKERSON: Yes, Mr. President.

Can you hear me now?

PRESIDENT OWEN: I think you're on now.

COUNCILMAN BRENT ACKERSON: I'll speak loudly.

At this time we talked about the issues left and right on these things.

I think that there's an amendment that I'm going to offer tonight.

No secret here on the difference in philosophies about again we can all -- how much do we borrow how much don't we borrow - how do we split this thing.

I find myself tonight coming down on the side of what Councilman King has just talked about.

I think it makes a lot of sense that when we consider what we can borrow versus what we can make on the interest on money this situation appears to be a wash.

And if borrowing the full amount compared to spreading that out ultimately is a wash can put us in a position to maintain our liquidity in our Rainy Day Fund and that Rainy Day Fund in my opinion is for tragedies we see what's going on in Tennessee and Nashville right now those are things that are unforeseen that we cannot plan for and that we will need this money for.

This settlement is not that situation. It's something that we have options for.

And if we keep our reserves in the Rainy Day Fund, right now we're above what the bonding rating companies would consider strong.

So we can still even cover our bases even more by having money for a true rainy day and potentially still maintain a strong bond rating after that.

For me the greatest reason, though, that I'm offering my amendment here that I'm going to discuss here in a second is the fact that the folks that talk about spending from the Rainy Day Fund also talk about how can we -- we're going to have to replenish it.

Well, one is we can't bind any future members or Council bodies to force them to replenish that and we all know as Government officials we have the tendency to spend money.

And so my greatest fear is that we put ourselves in a position that down the road we will not put ourselves in the fortitude to choose the right decision to replenish this fund.

We may choose other things to pay for and say tomorrow, next year, we'll take care of that debt.

Or next year we'll take care of the replenishment.

I choose to err on the side of caution and say let's force the payments to be in bonds because of that I'll offer amendment tonight to take the bonds from the \$ 25 million that's being offered presently to the full \$35 million amount and I would ask for a second for that.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT OWEN: Motion has been made and seconded.

Is there discussion on this amendment? Mr. Jon Ackerson.

COUNCILMAN JON ACKERSON: Yes, I would speak in opposition of the amendment.

My preference, Mr. President, members of the Council, would be to use the Rainy Day Fund entirely for this matter. I think it's totally appropriate.

But there was a compromise that came out of the committee to use \$10 million of the Rainy Day Fund towards this, which means we have already spent -- it's a \$50 million settlement.

We spent \$15.8 million cash already paid in.

With this additional \$10 million that's now was before us until this amendment was made, that means that 50% of this amount is being paid for out of the Rainy Day Fund, out of cash.

And we are only bonding 50% more. Now, I would prefer not to bond at all.

But this is a much more prudent way to approach this situation than to pay your Visa card with your Master Card.

I mean, we've got a debt and we're paying a debt with a debt. And sometimes you have to do that.

But we're not -- it's already been demonstrated our Rainy Day Fund is approaching the 15% which is the upper end of safety.

By going to taking \$10 million out of the Rainy Day Fund we are still well within the cushion of being highly rated within the Rainy Day Fund. we're still high above the 8% closer to 10% which is adequate so what we have to do as a Council is balance between incurring new debt and jeopardizing other debt down the road that would be projects to build roads, to build libraries and things like that.

This is to pay a back salary. There is no capital improvement from this debt.

Normally when you bond something off it's for a capital improvement.

It's not to pay for services and we are paying for services in this case.

So the philosophy here is to be moderate and to be balanced in our approach and therefore I would hope this amendment would be defeated. We can go back to what came out of the committee.

And let 50% of it be paid from the cash from the Rainy Day Fund.

Because after all, a Rainy Day Fund is for a rainy day and if you don't think a million dollar hit in back compensation due is a rainy day, I don't know what a rainy day amounts to. So to use some of this rainy day money without jeopardizing the fund is the proper approach I would think and I would urge defeat of this amendment.

PRESIDENT OWEN: Councilwoman Woolridge, did you wish to speak?

COUNCILWOMAN WOOLRIDGE: I wish to speak, Mr. President. First of all, on the ordinance as well as on the amendment, I support the amendment.

I think we need to go ahead -- this is the best way in my opinion to settle this lawsuit for the firefighters. I made an example in the Committee of the Whole.

We are talking about replenishing, we are talking about resolutions to replenish the Rainy Day Fund. We know that will not happen.

Some of us, including myself, have experience of buying a car.

And when the terms to pay this car off, we never took that X amount of dollars and start saving it for ourselves.

I just do not believe that we will put anything in the Rainy Day Fund.

Plus, I have an apprehension about once you go in that Rainy Day Fund, Mr. President, I think it will be easier for the next Mayor to go in it.

I also have reservations because before our budget hearing, we heard that there's some problems perhaps with the stimulus money, with the FEMA, the \$4 million that there's some type of a dispute for the debris pickup. You know, we're looking at unforeseen things perhaps that we can't plan for.

We can plan to bond this entire \$35 million. This is not a catastrophe. This is not a disaster.

So therefore I'm asking my colleagues to support this amendment to take it back to the -- where we would bond the entire \$35 million. Thank you, Mr. President.

PRESIDENT OWEN: Thank you.

Councilman Downard you're next and then followed by Councilman Brent Ackerson.

COUNCILMAN DOWNARD: Thank you, Mr. President.

And I have to say as Councilman King said, we spent about four or five weeks on this and there's not an easy answer here. I mean, colleagues, if you go through the options we have, not any of them are very good. We have a \$50 million problem.

That we resolve so far by taking \$8 million out of the reserve we took a \$70 million investment that we had shoved away to a fiduciary fund and cashed that in and paid the first payment. And we now have \$35 million left. I came down and opted to take some of that money out of the Rainy Day Fund.

And I can't tell you how hard that was.

Most of you know and for people who don't, I'm a pretty strong supporter of protecting that Rainy Day Fund. It is there for a reason. And if it gets easy to get into, then it's a real huge problem for the city.

But this is the largest operation's expenditure we face as merged Government with the exception of the Arena and the emergency management system we bought for \$60 million and we did that about ten years ago. It seems like a lifetime ago. But we have done it. This particular item was not ever planned. It's a \$50 million thing that popped up.

As late as June 30th of 2008 in our financial statements, we reported that we thought the estimated liability would be \$18 million. And all of a sudden about 15 months later it's not \$18 million any more it's \$50. That's enormous. That's what you call kind of getting caught.

It's something that's built up over several years and I think that put us in a pretty bad decision.

I think if there was ever an emergency, maybe this is it.

I can tell you, we can fund this with a bond. It's possible. And I weighed that.

And very frankly if we end up doing that, I'm not going to fall off a cliff.

I thought -- I wanted to set an example that there's a bar we reach before we get to that Rainy Day Fund and in my mind, 50 million bucks is kind of a pretty good sized bar and if that's the place we go then I think we can set that and it sets some precedence for the future. It should have little effect on bond

ratings. You can look at it a lot of different ways is it better to have a larger Rainy Day Fund that's still within the good range or is it better to have more debt. I don't know. You know at some point in time debt is debt. You get to the point where you can't afford too much.

Let me say this: Bond holders never worry about getting paid in our Government for the people in the city that don't understand it we have a revenue commission that collects all of our taxes they pay the bond holders and they send us what's left and that's what we budget from is what's left so the bond holders will be paid. It's just a matter of us trying to figure out what is the proper financial management to use. The flexibility being spoken about. There is flexibility and you look at it a million different ways.

If we bond this all the way we have the flexibility of that Rainy Day Fund there for an emergency which is what it's there for. But we have less cash flow to utilize.

I would submit that when the next Mayor comes in when he or she comes in next year, there's going to be a bond debt level that's going to be larger than we have ever had in history.

If we have one of our commitments is Museum Plaza if it funds next year that level will go even higher and we will have the first year of a new Mayor coming in in 20 years to have a pretty good hurdle to jump I think. And that's I think another thing that's fed into my idea of taking some out of the Rainy Day Fund. There's some good news in this. And if we don't do this and we do it all out of bonds that's fine. we have now established that \$50 million is not big enough and that's okay because I think it is -- it's setting the bar that we can go back and talk about forever.

It is I think scary for me to hear people say we can't be trusted to pay something back. well if we can't let's just all go home that makes us Frankfort and Washington and I feel like I'm raiding the Social Security fund which we put into every day and find there's nothing there but IOUs or Frankfort, same thing.

I know it's hard. I think as a political body we match our responsibilities every day.

And we have new responsibilities that will come up next year.

That can say well gee had I known that I might not have taken that money out of the Rainy Day Fund.

I know that. And I know that the future is uncertain.

I just feel like this is a hit that is so unusual and so tantamount to something that won't happen again that maybe it's the time to do that. But I can tell you, colleagues, we can go either way on this and I'm going to be able to live with it.

I just think it's a proper thing to set the statement and say when we get a \$50 million shot, it's time for us to use some of our savings.

And the example of the car was used let me just try a house. You buy a house take the money out of savings for the down payment and then you fund the rest long term. And you try to work your way out and pay it down as quickly as possible and this I would -- I see this more as a major investment and I think it's something to take a hard look at and I actually -- just think about it, it is -- I've been both sides of this argument with myself. I'll just tell you that over the last six weeks and I've had a hard time with it. I end up going with the suggestion of a \$10 million amount coming out of the Rainy Day Fund because I think it says we have made a statement that this is the kind of thing that it's for.

But I just ask you to think about it and do whatever you think is the right thing. And I would reiterate that I think the committee did a heck of a job. We had a lot of good discussion and I think it was helpful.

I think the Chairman ran it well. There was no -- there were no people trying to play games.

It was really a well run discussion from start to finish.

And I think that had anyone who is listening not seen that please turn it on and watch it it's on Metro Council TV catch that -- Metro TV we went into great detail with that I'll turn it over.

PRESIDENT OWEN; Thank you Mr. Downard. Mr. Blackwell you are next followed by Mr. Heiner.

COUNCILMAN BLACKWELL: Thank you, Mr. President.

I'll be brief. Like my colleague, Councilman Downard, we have been in different places along the way on this, I am like that we started with a couple of meetings ago expressing my concern that fearful if we got into the rainy day account how would we kind of make ourselves pay it back.

How can we put ourselves in a situation where we really if not forced certainly as close as possible to being forced to put it back as we can. And maybe Councilman Downard might be right.

We might have the discipline to do that.

I just know when push comes to shove and all of us have things in our districts and all of us have things we think needs to happen in the city and when push comes to shove it's just difficult to make those decisions. If everything in the economy comes back and we have extra money and things are going well

it's not such a big deal but certainly it is now so going into it I was kind of leaning in the direction of Option 2 of having the -- bonding the whole amount and also having the deferred payments, deferred principle payments so we could have a little bit less payment back in the first three years.

As I listened to, though the arguments and really trying to come up with something that I felt like was fair and a compromise I ended up voting for Option 3 yesterday. I can really live with either option.

I think either one is -- I don't think it's a huge burden either way on the city so I can live with either one.

So if the amendment does pass tonight I will certainly still be voting for to fund our firefighters.

But my preference just coming out of the meeting yesterday and really the discussion yesterday and coming out of the goodwill that was coming out of the meeting yesterday was to go with more of a compromise on Option 3.

PRESIDENT OWEN: Mr. Heiner followed by Councilwoman Flood.

COUNCILMAN HEINER: Thank you, Mr. President. I'll try to be brief here.

This is a great -- I think a great philosophical discussion for this Council.

It was good in budget committee, and here, as well.

And just from a philosophical standpoint on just how -- what I tell my children and how I run my business is there's really no such thing as good debt. And if you can pay cash, do it. Ultimately it's less risk.

And ultimately it costs less.

The question before us is what about this bond rating and how much money should we have in this Rainy Day Fund which I think we're thinking now may be more as a catastrophe fund.

But from a bond rating standpoint, the information we got in committee was if we had \$40 million in a Rainy Day Fund, that would be the minimum amount for us still to be rated in the strong category, 40 million. We have \$65 million.

Would I advocate taking 425 million out of the Rainy Day Fund and take us right to \$40 million?

No, I don't think so. I think there should be some buffer. And I think that's what we're talking about.

I don't think any one of us here would advocate going below \$40 million and paying more interest on our bonds because our bond rating dropped.

So with the \$25 million, what's the right amount of buffer?

And in this case, is there any amount there for this unexpected expense extraordinary expense that we could pay in cash just to reduce our operating costs in next year's budgets or in the next couple years budgets.

In committee we came up and we said of that \$25 million buffer, what passed was let's take \$10 million of it and it will still leave 15 million buffer in other words take from \$65 to \$55 million.

I support that tonight. A couple of reasons I support it.

Two reasons. One is our debt is peaking in the city over the next three years if you look at the chart we got from Ms. Driskell, it jumps up.

It jumps up with the arena and other expenses and I don't know if I would call it Mt. Everest but it's certainly the top of the hill and then starts down pretty significantly after the next three years.

So to keep that peak from being any higher, I would suggest we take on as little debt as we can tonight. Secondly is if we go the full interest route, we'll have about \$700,000 in additional principle and interest payment next year and that takes into account all of the interest differential.

Basically our operating budget the administration will have to have an additional \$700,000 in cuts next year. And as you know in these past budgets these last few years we have cut, cut, cut.

\$700,000 isn't a huge amount compared to \$500 million but the budgets are very tight.

And as I talk and I'm sure you do, talk to department heads we'll talk about we'll find another \$700,000. It's getting pretty lean after these years of declining budgets.

So for those two reasons debt is peaking and trying to find that extra \$700,000 next year in tight times I think the \$10 million is prudent in the circumstances and I will be supporting the committee amendment and not the amendment that's on the floor. Thank you.

PRESIDENT OWEN: Thank you Mr. Heiner. Councilwoman Flood followed by Brent Ackerson.

COUNCILWOMAN FLOOD: Thank you, Mr. President.

I, like most of my colleagues here, had looked over every piece of paper given to me on this issue.

And was almost set on settling for bonding part of it and taking some out of the Rainy Day Fund because

I, like one of my other colleagues had mentioned, that this is not a capital project.

This is for salaries and you always think if you're going to take something out of the Rainy Day Fund, it is something tangible that you can -- that everybody can see.

But, however, after doing further research and I understand that the GFOA stated that if we took a certain percentage of the reserve funds that we would be fine.

But after looking at Fitch Incorporated the global rating agency I question that because they purely state -- they talk about the things -- the strengths and the weaknesses in the Metro area, about the high employment. And even they commended the administration and other management people for their willingness to foresee what was coming down the pike by making budget cuts.

But they specifically state that "continued high unemployment and/or financial deterioration below the current undesignated general fund levels pose credit issues and concerns."

And they further state that "the Metro Government's ability to maintain balances consistent with its past levels of about \$65 million in undesignated general fund balance is their key to credit consideration".

And as I said before, I was all for taking some out of the Rainy Day Fund.

But after reading what Fitch Incorporated says, my opinion drastically changed just simply because they are the folks that do the ratings and I'm very concerned that... I can't remember and if my colleagues can remember the last time we actually put money back into the Rainy Day Fun. I would like to know because it seems like every time there's an extra dollar to be spent somewhere, we all have our hand out ready to put it somewhere. Thank you, Mr. President.

PRESIDENT OWEN: Thank you.

COUNCILMAN BRENT ACKERSON: I call the question, Mr. President.

PRESIDENT OWEN: Question has been called.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT OWEN: and second.

All in favor of calling the question.

ALL PRESENT: AYE

PRESIDENT OWEN: Opposed?

Question has been called.

We have a floor amendment before us.

The floor amendment requires -- it's been called for a roll call for the floor amendment that's been posed by Councilman Brent Ackerson.

COUNCILMAN DOWNARD: Can we have it read we're taking the 25 and making it 35.

COUNCILMAN BRENT ACKERSON: Yes.

PRESIDENT OWEN: So we have had roll call for Councilman Brent Ackerson's amendment has been called. Madam Clerk.

COUNCILWOMAN WOOLRIDGE: Mr. President, let me get a clarification on this amendment. Are we taking this amendment back to the original \$35,000 to bond it all?

PRESIDENT OWEN: Councilwoman Woolridge, my understanding is that Mr. Brent Ackerson's amendment that we are considering with this vote right now is to fully bond the \$35 million commitment.

COUNCILWOMAN WOOLRIDGE: Thank you. My vote is correct.

PRESIDENT OWEN: All right. The voting is closed --

COUNCIL CLERK: She's on the roll in just a second.

PRESIDENT OWEN: I'm sorry; I didn't follow the discussion.

COUNCIL CLERK: Just a second, she's moving --

PRESIDENT OWEN: No we have an incorrect count.

COUNCIL CLERK: One second. There.
Okay.

COUNCIL CLERK: All right. This is on the amendment.

PRESIDENT OWEN: On Councilman Brent Ackerson's amendment.
Are we voting again then?

COUNCIL CLERK: Yes, you're fine.

PRESIDENT OWEN: Okay.

We're fine.

All right the voting is closed.

COUNCIL CLERK: There are 13 yes votes and 11 no votes with two not voting.

Those voting no: Councilwoman Green, Councilman Kramer, Councilman Blackwell, Councilwoman Welch, Councilman Downard, Councilman Stuckel, Councilman Jon Ackerson, Councilman Heiner, Councilman Benson, Councilman Peden, and Councilman Hawkins.

PRESIDENT OWEN: All right.

Then Councilman Brent Ackerson's amendment passes.

We have the floor amendment before us.

Any discussion on the floor amended version that is before us?

PRESIDENT OWEN: Mr. Downard.

COUNCILMAN DOWNARD: I just want to make sure.

We have the sired version with the 25 became 35 on bonds.

Okay.

COUNCIL CLERK: Okay.

PRESIDENT OWEN: Madam Clerk, do you want to respond to his question?

COUNCIL CLERK: I would like a clarification.

In the document that is on your system, there is a statement in there where it takes out the general obligation note. Is that returned to the ordinance or are we going back to the original?

COUNCILMAN DOWNARD: No. Just change the bond to 35.

COUNCIL CLERK: Is that the question.

COUNCILMAN KING: My understanding I'm not a lawyer but I think all we were doing is changing it from 25 to 35.

PRESIDENT OWEN: Thank you, I think Mr. O'Brien is also looking for the ability to comment.

WILLIAM O'BRIEN: Mr. King is correct. The amended version that was done at the committee struck the notes and changed the amount. The only motion that was made was to change the amount. So the notes would still be struck. And that would be the only difference.

PRESIDENT OWEN: Does that answer your question, Madam Clerk.

COUNCIL CLERK: Yes it does. I just wanted to make sure.

PRESIDENT OWEN: Any further discussion on the floor amended version that's before us.

If not then, we're ready for a roll call vote. Madam Clerk.

Councilwoman Woolridge, are you able to vote?

COUNCIL CLERK: It's giving you a hard time tonight.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. I was just in it awe that there was a no up there. I wasn't voting myself.

PRESIDENT OWEN: Councilwoman, I don't think that's necessary. The voting is closed. Madam Clerk.

COUNCIL CLERK: There are 22 yes votes one no vote from Councilman Jon Ackerson, one present vote from Councilman Peden, and two not voting Councilman Fleming and Councilman Engel.

PRESIDENT OWEN: All right.

This item passes.

And the ordinance as amended on the floor passes.

NEW BUSINESS:

PRESIDENT OWEN: The next item of business is new business.. New business comprises item 42 through 60. Madam Clerk, a reading of those items and their assignment to committee. If anyone is leaving the floor, please be considerate of the clerk and to those folks who will be listening to the reading of these items as you leave the chamber.

NEW BUSINESS:

42- O-101-05-10 AN ORDINANCE APPROPRIATING \$9,500 FROM DISTRICT 2 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE PEACE CENTER, INC. FOR PROGRAM EXPENSES.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Barbara Shanklin

43- O-97-05-10 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009, RELATING TO THE CAPITAL BUDGET FOR FISCAL YEAR 2009-10 FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$70,300 AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS BETWEEN PROJECTS.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

44- O-98-05-10 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING A FIRST SUPPLEMENT TO THE INDENTURE OF TRUST RELATING TO METRO GOVERNMENT'S VARIABLE RATE DEMAND INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2008 (SPALDING UNIVERSITY, INC. PROJECT), THE PROCEEDS OF WHICH WERE LOANED TO SPALDING UNIVERSITY, INC. AND TAKING OTHER RELATED ACTION.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

45- R-122-05-10 A RESOLUTION ADOPTING AN ENHANCED LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY THE CITY OF LOUISVILLE, KENTUCKY BY ORDINANCE NO. 65, SERIES 1982 AS AMENDED, IN THE AREA BOUNDED ON THE WEST BY I-264, THE SOUTH BY I-64, THE NORTH BY SHELBYVILLE ROAD AND ON THE EAST BY HURSTBOURNE AND OXMOOR WOODS SUBDIVISIONS NOW PART OF THE URBAN SERVICES DISTRICT AND IDENTIFIED AS TRACT "A."

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

46- R-123-05-10 A RESOLUTION ADOPTING AN ENHANCED LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY THE CITY OF LOUISVILLE, KENTUCKY BY ORDINANCE NO. 87, SERIES 1982, IN THE AREA BOUNDED ON THE WEST BY I-264, THE SOUTH BY I-64, THE NORTH BY SHELBYVILLE ROAD AND ON THE EAST BY THE PARK OF OXMOOR SUBDIVISION NOW PART OF THE URBAN SERVICES DISTRICT AND IDENTIFIED AS TRACT "B."

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

47- R-124-05-10 A RESOLUTION ADOPTING AN ENHANCED LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY THE CITY OF LOUISVILLE, KENTUCKY BY ORDINANCE NO. 75, SERIES 1981, BEING A TRACT OF LAND LYING NORTH AND SOUTH OF GARDINER LANE BETWEEN POPLAR LEVEL ROAD AND BISHOP LANE NEAR ROBARDS LANE NOW PART OF THE URBAN SERVICES DISTRICT AND IDENTIFIED AS TRACT "B."

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

48- O-102-05-10 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009 AND ORDINANCE NO. 91, SERIES 2009 RELATING TO THE FISCAL YEAR 2009-10 CAPITAL AND OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$20,000 FROM THE DISTRICT 10 CAPITAL INFRASTRUCTURE FUND TO THE DISTRICT 10 NEIGHBORHOOD DEVELOPMENT FUND.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

49. R-117-05-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – WEST BRECK CORPORATION (\$70,000.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Marianne Butler

50- R-118-05-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED EMERGENCY PURCHASE – (MITCON SERVICES, INC. D/B/A SERVPRO OF SOUTH LOUISVILLE - \$16,356.35).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

51- R-119-05-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING AMENDMENT TO A NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY EMERGENCY MEDICINE ASSOCIATES, P.S.C. - \$19,000.00 FOR A NEW NOT-TO-EXCEED AMOUNT OF \$64,000.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

52- R-120-05-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (HNTB CORPORATION - \$70,398.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Rick Blackwell

53- R-121-05-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM/UNIVERSITY OF KENTUCKY COMMUNITY COLLEGE SYSTEM FOR JEFFERSON COMMUNITY COLLEGE - \$85,000.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Jim King

54- R-125-05-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (HNTB CORPORATION - \$180,720).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Stuart Benson

55- R-126-05-10 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (VIVIEN BETANCES-KEANE - \$15,000.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Kevin Kramer

56- O-92-05-10 AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 38.09(A) and 38.80(A)(2) RELATING TO ABANDONED PROPERTY CLASSIFIED AS REAL PROPERTY IN THE URBAN SERVICES DISTRICT.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Kelly Downard
Marianne Butler

57- O-99-05-10 AN ORDINANCE RATIFYING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT (APRIL 27, 2010 – JUNE 30, 2013) RELATING TO WAGES, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT BETWEEN THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND LOUISVILLE PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL UNION 345, IAFF AFL-CIO-CLC FOR AND ON BEHALF OF EMPLOYEES IN THE LOUISVILLE FIRE DEPARTMENT.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Marianne Butler

58- O-100-05-10 AN ORDINANCE AUTHORIZING THE MAKING OF FORGIVABLE LOANS, PURSUANT TO ORDINANCE NO. 54, SERIES 2009, TO LOUISVILLE METRO HOUSING AUTHORITY, NEW DIRECTIONS HOUSING CORPORATION, REBOUND, INC., AND RIVER CITY HOUSING, INC. FOR THE ACQUISITION, REHABILITATION, AND MARKETING OF PARCELS OF REAL PROPERTY LOCATED IN NEIGHBORHOOD STABILIZATION PROGRAM CENSUS TRACTS.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Cheri Bryant Hamilton

59- O-93-05-10 AN ORDINANCE CHANGING THE ZONING FROM R5-B, RESIDENTIAL TWO-FAMILY TO CR, COMMERCIAL RESIDENTIAL ON PROPERTY LOCATED AT 1726, AND 1728-1738

FRANKFORT AVENUE, CONTAINING 0.59 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 12349).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Jon Ackerson

60- O-94-05-10 AN ORDINANCE CHANGING THE ZONING FROM M-2, INDUSTRIAL TO C-2, COMMERCIAL ON PROPERTY LOCATED AT 4805 DIXIE HIGHWAY, CONTAINING 0.51 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 12960).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Jon Ackerson

ADJOURNMENT:

PRESIDENT OWEN: Thank you. Before we have a motion to adjourn the meeting, I would ask those council members that wish to make announcements to remain in the chamber and request to speak on your system. Do I hear a motion to adjourn?

COUNCILWOMAN WELCH: Motion to adjourn.
 COUNCILMAN KING: Second.

PRESIDENT OWEN: Without objection, we are adjourned
 There being no further business, the **Regular May 13 2010** Metro Council meeting adjourned without objection at 7:38 PM EDT.

 Kathleen J. Herron, Metro Council Clerk

 Thomas L. Owen, Metro Council President

ANNOUNCEMENTS: CW Welch, CW Hamilton and President Owen.
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